

Message Text

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 760

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AMEMBASSY LONDON

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C O N F I D E N T I A L USBERLIN 700

E.O. 11652: GDS

TAGS: PGOV, WB, GE, GW

SUBJECT: FRG AMENDING LAW ON VETERINARY SURGEONS:

BK/O(75)2

REF: BONN 5707

1. SUMMARY: ALLIED KOMMANDATURA ISSUED BK/O(75)2 TO AVOID IMPLICATION THAT LAW IN QUESTION COULD BE INTERPRETED AS IMPLYING EAST BERLIN INTEGRAL PART OF GDR. SINCE SECOND LAW PREPARED AT SAME TIME IN BONN BUT PASSED ONLY RECENTLY BY BUNDESTAG CONTAINS IDENTICAL LANGUAGE WE HAVE PREPARED SIMILAR BK/O FOR ISSUANCE IN NEXT FEW DAYS TO SAFEGUARD ALLIED LEGAL POSITION. WE ARE TAKING STEPS TO STRESS PURELY TECHNICAL NATURE OF BK/O AND TO PREVENT IT BEING PLAYED AS INDICATION OF DIFFERENCE OF VIEW BETWEEN ALLIES AND FRG ON BERLIN STATUS. END SUMMARY.

2. OLD VERSION OF FRG LAW ON VETERINARY SURGEONS HAD SECTION ON RECOGNITION OF QUALIFICATIONS OF INDIVIDUALS WHO
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HAD RECEIVED DEGREES FROM SCHOOLS IN SOVIET ZONE OF OCCUPATION OR IN SOVIET SECTOR OF BERLIN. AMENDING LAW PASSED LAST

YEAR MODERNIZED THIS SECTION OF LAW BY REFERRING TO CREDENTIALS FROM GDR EDUCATIONAL INSTITUTIONS ("AUSBILDUNGS-STAETTE DER DDR"). WE TOLD SENAT BEFORE LAW WAS FINALLY ADOPTED BY BUNDESTAG THAT IF IT RETAINED THIS LANGUAGE WE WOULD THINK IT NECESSARY TO ISSUE BK/O RESERVING ALLIED POSITION ON STATUS OF BERLIN SINCE IMPLICATION COULD BE DRAWN THAT WHAT HAD FORMERLY BEEN EITHER SOVIET ZONE OF GERMANY OR SOVIET SECTOR OF BERLIN WAS NOW SIMPLY GDR. SENAT AGREED BUT IT WAS APPARENTLY TOO LATE FOR ANY CHANGE TO BE MADE IN BUNDESTAG VERSION. WE THEREFORE ISSUED BK/O(75)2 STATING THAT WE HAD NO OBJECTION TO LAW BUT THAT THE RELEVANT SECTION COULD NOT BE INTERPRETED AS MEANING THAT EASTERN SECTOR OF BERLIN WAS INTEGRAL PART OF GDR. THIS BK/O WAS ISSUED IN JANUARY, AND SHARP-EYED DEPUTY LEADER OF CDU LUMMER MADE IT OCCASION FOR OPEN ELECTION LETTER AGREEING WITH ALLIED POSITION AND ATTACKING FEDERAL GOVERNMENT FOR NOT BEING SUFFICIENTLY CAREFUL IN PROTECTING LEGAL STATUS OF BERLIN. SENATOR FOR FEDERAL AFFAIRS STOBBE RESPONDED TO THIS POLITICAL PLOY BY TELLING PRESS THAT SENAT AGREED WITH ALLIED ACTION AND WOULD BE IN CONTACT WITH FRG TO SEE THAT UNFORTUNATE LANGUAGE WAS AVOIDED IN FUTURE LAWS BUT THAT LANGUAGE IN LAW WAS NOT INTENDED TO EXPRESS POSITION ON BERLIN STATUS.

3. AT SAME TIME AS BK/O ON VETERINARY SURGEONS LAW WAS BEING ISSUED, WE WERE AWARE THAT BILL AMENDING FRG DOCTORS' LAW WAS ALSO IN LEGISLATIVE MILL WITH EXACTLY SAME LANGUAGE. WE ADVISED SENAT THAT IF IT CAME TO US UNCHANGED WE WOULD OF COURSE HAVE TO ISSUE SAME RESERVING BK/O. SENAT EXPRESSED UNDERSTANDING. LAW WAS ADOPTED BY BUNDESTAG WITHOUT REVISION, HOWEVER, AND REACHED US SEVERAL WEEKS AGO STILL WITH OBJECTIONABLE LANGUAGE. WE ARE ACCORDINGLY IN PROCESS OF ISSUING BK/O MAKING IDENTICAL RESERVATION AS BK/O(75)2. (LEG/R HAS BEEN APPROVED BY LEGAL COMMITTEE AND SHOULD BE SUBMITTED TO DEPUTY COMMANDANTS WITH BK/O FOR SIGNATURE IN NEXT FEW DAYS.)

4. IN EXPLAINING MATTER TO FRG REP IN BONN GROUP, EMBASSY MIGHT WISH TO NOTE THAT WE HAVE NO DIFFICULTY WITH FRG LAWS
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THAT SPEAK OF GDR WITHOUT DISTINGUISHING BETWEEN GDR PROPER AND EAST BERLIN. PROBLEM WOULD ARISE ONLY WHEN FRG LAW WAS DIRECTED SPECIFICALLY AT EAST BERLIN SITUATION OR, AS IN PRESENT TWO CASES, NEW LAW USES GDR AS REPLACEMENT FOR LANGUAGE IN EARLIER LAW WHICH DID DISTINGUISH BETWEEN EAST BERLIN AND SOVIET ZONE OF OCCUPATION. WE WOULD EXPECT SUCH CASES TO BE FEW AND FAR BETWEEN, AND THEIR NUMBER COULD OF COURSE BE REDUCED BY SLIGHTLY MORE CAREFUL LEGISLATIVE DRAFTING. WE ASSUME THAT DOCTORS' LAW LANGUAGE WAS NOT CHANGED AFTER ISSUANCE OF OUR BK/O ON

VETERINARY SURGEONS' LAW ONLY BECAUSE TWO LAWS
WERE DEALT WITH SUBSTANTIVELY BY BUNDESTAG AT SAME TIME,
BEFORE ALLIED POSITION WAS TAKEN, AND THAT MATTER WAS TOO
MINOR TO JUSTIFY BUDESTAG DEVOTING SPECIAL ATTENTION TO
IT. WE ARE ADVISING FEW NEWSMEN WHO HAVE INQUIRED THAT
MATTER IS ROUTINE AND TECHNICAL AND IN NO WAY REPRESENTS
ANY DIFFERENCE BETWEEN ALLIED AND FRG VIEWS ON
STATUS OF BERLIN.GEORGE

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